

Notice of Allowability

Application No.

10/661,394

Examiner

Christopher R. Lamb

Applicant(s)

HANKS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication files 26 July 2006.
2. ☒ The allowed claim(s) is/are 1-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-49 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Regarding claim 1:

The closest prior art of record, Faucett (US 2002/0089906) does not disclose wherein the SUM signal data represents a summation of values from a plurality of focus sensors, and is different than a focus error signal (FES) representing a difference between a sum of the value from a first subset of the focus sensors and a sum of the values from a second subset of the focus sensors. Not only does Faucett not explicitly state this, but the Examiner has determined based upon the state of the prior art that Applicant is correct in their argument filed July 26th, 2006, that Faucett most likely relies upon a focus error or tracking error signal.

Claim 1 was also rejected over Hajjar et al. (US 5,742,573) in the previous Office Action, but Hajjar stores values from a position sensor, not a summation of values from a plurality of focus sensors.

Alternatively, Yanagi et al. (US 5,142,520) discloses:

a SUM table within which to record SUM signal data, the SUM signal data representing a summation of values from a plurality of focus sensors, and is different than a focus error signal (FES) representing a difference between a sum of the values

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from a first subset of the focus sensors and a sum of the values from a second subset of the focus sensors (column 8, lines 15-25);

an error term generator to process the SUM signal data from the SUM table to produce an error term (column 11, line 65 to column 12, line 5); and

an actuator control signal generator to generate an actuator control signal (column 11, line 65 to column 12, line 5: the focus offset value is an actuator control signal value).

However, Yanagi does not disclose "wherein the actuator control signal is a function of a prior actuator position, the error term and an adaptation coefficient, wherein the adaptation coefficient is configured to regulate a rate at which the error term is allowed to modify the prior actuator position." Yanagi instead calculates one focus offset value which is constant and used for the entire disc.

Although between them Yanagi and Faucett or Hajjar contain all elements of the claim, there is no motivation to combine the references: Faucett's invention is a repeatable runout compensator that could not work effectively with the procedure of Yanagi (which requires repeated tests at each sector with different offsets); Hajjar and Yanagi are not very similar and it would require significant changes to combine their teachings with no motivation provided by either reference.

Thus the combination of elements claimed renders it allowable over the prior art of record.

Regarding claims 16, 29, and 39:

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These independent claims are similar to claim 1 and allowable for the same reasons.

Regarding claims 1-15, 17-28, 30-38, and 40-49:

These claims are allowable due to their dependence on an allowed claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

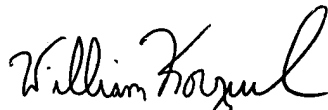
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Lamb whose telephone number is (572) 272-5264. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CRL 10/13/06


WILLIAM KORZUCH
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TECHNOLOGY CENTER 2600